## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

KAY CASON, as Administrator	)	
For the Estate of Johnny Webb,	)	
	)	
Plaintiff,	)	CASE NO.:
	)	
v.	)	2:06-CV-1856-RRA
	)	
MIKE HALE, SHERIFF, an	)	
individual, et al.,	)	
	)	
Defendants.	)	

## **Memorandum Opinion**

This case comes before the court on the motion to dismiss filed by Sheriff Mike Hale. (Doc. #6). The magistrate judge filed a report and recommendation on November 8, 2006, recommending that Defendant's motion be granted and that the case against Defendant Hale be dismissed with prejudice. No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and his recommendation is **ACCEPTED**. An appropriate order will be entered.

**DONE** and **ORDERED** this 8th day of December, 2006.

R. DAVID PROCTOR

UNITED STATES DISTRICT JUDGE